

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**FILED**

APR 25 2012

United States of America,

Case No. CR 12-00234 PJH

*Plaintiff,*STIPULATED ORDER EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT

v.

David Rayshun Tate,

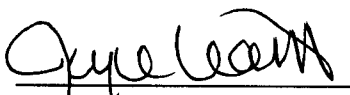
*Defendant.*RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

For the reason stated by the parties on the record on April 25, 2012, the Court excludes time under the Speedy Trial Act from April 25, 2012 to May 9, 2012 and finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The Court makes this finding and bases this continuance on the following factors:

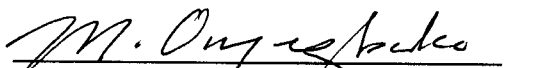
- _____ Failure to grant a continuance would be likely to result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- _____ The case is so unusual or so complex, due to *[circle applicable reasons]* the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established by this section. *See* 18 U.S.C. § 3161(h)(7)(B)(ii).
- _____ Failure to grant a continuance would deny the defendant reasonable time to obtain counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- _____ Failure to grant a continuance would unreasonably deny the defendant continuity of counsel, given counsel's other scheduled case commitments, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- X Failure to grant a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- _____ For the reasons stated on the record, it is further ordered that time is excluded under 18 U.S.C. § 3161(b) and waived with the consent of the defendant under Federal Rules of Criminal Procedure 5.1(c) and (d).

IT IS SO ORDERED.DATED: 4/25, 2012

STIPULATED:


 JOYCE LEAVITT
 Attorney for Defendant


 HON. KANDIS WESTMORE
 United States Magistrate Judge


 MAUREEN C. ONYEAGBAKO
 Special Assistant United States Attorney